



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Steven A. Bogen and Herbert H. Loeffler

Application No.: 09/702,298

Group:

Filed: October 31, 2000

Examiner:

For: Slide Stainer With Removable Reagent Cartridge Frame

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>12-5-00</u>	<u>Claire J. Handal</u>
Date	Signature
<u>CLAIRE J. HANDALIAN</u>	
Typed or printed name of person signing certificate	

TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find enclosed herewith an executed Declaration Under 37 C.F.R. § 1.131 for filing in the captioned application. Also enclosed is a copy of the Grant Application referred to in the Declaration.

Please charge Deposit Account No. 08-0380 for any additional fees that may be due in this matter. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By [Signature]
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Date: 12/5/00



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Applicants: Steven A. Bogen and Herbert H. Loeffler

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Title: SLIDE STAINER WITH REMOVABLE REAGENT CARTRIDGE FRAME

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DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

We, Steven A. Bogen and Herbert H. Loeffler, declare and state that:

1. We are the co-inventors of the above-identified U.S. Patent Application.
2. The invention described and claimed in the above-identified patent application was completed in the United States prior to September 18, 1991, the filing date of U.S. Patent 5,232,664.

3. Evidence of completion of the invention is presented by the attached Phase II Grant Application. The grant application is dated August 2, 1991 and was filed on or about that day. The assembly described and claimed in the application was tested under a prior phase I grant, the final report of which is included at pages 24-32 of the grant application. Reference is made to figures 1-4 in the appendix, which can be compared to the figures of the present application. In particular, microscope slides are shown in Figure 3, and liquid reagent cartridges comprising reservoirs and metering chambers are illustrated in Figure 4, as are the solenoid actuators. The following description is at page 25, Section D2, a, i, second paragraph:

The essence of our design concept is an array of reagent reservoirs mounted in a rack on an X-Y axis motion carriage (Figure 1, appendix page 1). The reagent cartridges are held in a removable rack so that they can be removed *en bloc* at the end of the day and placed into the refrigerator. The removable rack can accommodate 20 disposable reagent cartridges. At the start of any day, the appropriate reagent rack is easily inserted into the X-Y axis motion carriage ("dispensing platform").

4. The above features were included in a machine which was constructed and tested prior to the grant application date of August 2, 1991.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Steven A. Bogen
Steven A. Bogen

November 28, 2000
Date

Herbert H. Loeffler
Herbert H. Loeffler

November 29, 2000
Date